

Saturday, 9 o'clock. A. M.  
March 11th, 1848.

The Senate was called to order by the President.  
The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Wallace, and Williamson.

Quorum present.

The Journal of the preceding day was read and adopted.

Mr. Grimes, Chairman of the committee on Finance made the following report.

The committee on Finance to which was referred, A bill to be entitled an act to provide for the assessment and collection of taxes, have had the subject under consideration, and return the bill with amendments for the action of the Senate.

Amendments.

Sec. 1, line 2, strike out "duly."

Sec. 4, line 3, after "columns" insert "in alphabetical order."

Substitute for 9th section.

"That the Assessor and Collector of Taxes, shall on or before the first day of July in each and every year make out in alphabetical order three full and complete copies of his assessment roll, setting forth in separate columns the different descriptions of taxable property, real and personal, rendered for taxation, owned or held by any person, firm or corporate body in his county with the value thereof, and in a separate portion of his assessment, in like manner the taxable property of non-residents not rendered for taxation, and the property when the owner is unknown. One copy of which he shall retain for his own use, one he shall deposite in the office of the Clerk of the County Court of his County, and one he shall cause to be deposited in the office of the Comptroller of Public Accounts, on before the first day in September in each and every year."



In 14th section, 3d line, strike out "September" and insert "November" and at the end of 14th section add, "and costs of collection."

In sec. 15th strike out 5th and 6th lines and insert "and in two other public places in his county."

In sec. 16, at the and of the section insert "and costs of sale."

In section 17, line 8, strike out "September" and insert "November."

In section 20, line 4, strike out "November" and insert "December."

In sec. 21, line 2, strike out "first" and insert "fifteenth."

In sec. 25, at the end of section add "provided, that when a license to pursue any vocation is desired for a shorter period than one year, and not less than four months, the Assessor and Collector or the County Treasurer, as the case may be, may receive the amount required in proportion to the time for which such license is desired, and on filing the receipt of the Assessor and Collector or County Treasurer as the case may be, the Clerk shall issue a license for the time corresponding with the amount which has been paid.

In sec. 26, 1st line, after "person" insert "Hawkers and pedlars excepted."

Sec. To enable the Assessor and Collector to ascertain unrendered property in the several counties, it is hereby made the duty of the Clerks of the County Courts, and the County and District Surveyors to exhibit the records and maps in their charge to the Assessor and Collector of Taxes, and the refusal to do so, by either the said County Clerk or District or County Surveyor, such officer so refusing shall incur the penalty of fifty dollars recoverable before any Court having jurisdiction or cognizance thereof with costs of suit; which penalty, when collected, shall be paid, the one half into the State Treasury and the other half into the Treasury of the county wherein the penalty was incurred.

Sec. That if from any cause the direct taxes of any county are not assessed and collected within the periods mentioned in this act, the Comptroller of Public Accounts shall appoint some other time within which such taxes shall be assessed and collected, and no person shall suffer any of the penalties herein imposed from any failure caused by such unavoidable change of time; but any person who shall fail to



render their assessment lists and pay their taxes within the periods so designated by the Comptroller, shall incur all the penalties imposed by this act.

Sec. That if from any cause the sale of any property seized for Taxes shall not take place at the time first appointed, the Assessor and Collector shall appoint some other time, give the like notice and proceed to sell such property in the manner prescribed in the first instance by this act.

Sec. That if any officer is sued or prosecuted in consequence of proceedings made by him under the authority of this act, or any law in force for the collection of revenue, it shall be lawful for him to plead the general issue and give this act, or the law under which he has proceeded as an especial matter in evidence.

Sec. That when any land or tenements shall be advertised for sale by the Assessor and Collector of Taxes, for any taxes or other dues accruing to the State, and such lands or tenements cannot be sold for the want of bidders, it shall be the duty of the Assessor and Collector to bid off the same for the State for the amount of taxes so due, and when such lands are not redeemed within one year from the date of sale, by the owner or owners or some other person paying the amount of such taxes and costs of sale and one hundred per centum thereon, it shall then become public domain, and subject to location by any person holding a legal land warrant against the State by such person paying the amount of taxes for which such land was sold and costs of sale, with one hundred per centum thereon. And it shall be the duty of the Commissioner of the General Land Office to issue patents on all surveys of land sold in conformity of this act on a legal return, and shewing being made to him of the same.

Sec. If any person shall peddle any goods, wares or merchandize in any county in this State, without first obtaining a license from the Clerk of the County Court of such county, it shall be the duty of the Assessor and Collector to seize so much of the goods, wares and merchandize so peddled or any other property subject to sale by execution belonging to such person, and after giving ten days notice by advertisement in at least three public places in his county, he shall proceed to sell at the Court House door of his county to the highest bidder for cash so much of such property so seized and levied upon as will be of value sufficient to pay the license tax for one year and the



costs of sale, and the Assessor and Collector shall be entitled to the same fees and commissions that Sheriffs are entitled by law to receive upon sales by execution.

Sec. If any Assessor and Collector shall fail or refuse to surrender up his tax roll to his successor in office upon his application, he shall upon conviction in the District Court be fined in such sum as the Court may adjudge, not less than fifty dollars.

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Mr. Clark, Chairman of the committee on the Judiciary, to whom was referred, A bill to be entitled an act to repeal the 11th section of an "act supplementary to act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants" approved February 4th, 1841, returned the same to the Senate and recommend its passage.

The Senate proceeded to the orders of the day.

A bill to be entitled an act to provide for the exchange of books, maps and charts.

Read third time and passed.

A bill to be entitled an act to amend the 17th and 19th sections of an act regulating Juries.

Read third time and passed.

A bill to be entitled an act to define the time of holding elections for the several State and county officers and for Representatives to the United States Congress.

Read third time and passed.

A bill to be entitled an act to incorporate the town of Goliad.

Read third time.

Mr. Fitzgerald moved to amend by inserting, after the words "per centum" in the 11th section "of the State tax."

Adopted.

The bill then passed.

Mr. Dancy, chairman of the committee on State Affairs, made the following report.

The committee on affairs of State, to whom was referred "A bill to be entitled an act to incorporate the town of San Augus-



tine" have instructed me to report the bill to the Senate with the following amendments, (to wit:)

Amendment first:

Substitute for section second.

"Sec. 2. Be it further enacted, That the limits of said corporation shall be half a mile square, or contain one hundred and sixty acres of land in a square, having the public square of said town in the centre thereof.

Amendment second.

Strike out the third section.

Amendment 3d—

In sec. 4, line 1, after "election," insert "for a Mayor, six Aldermen, or Treasurer, a Recorder and a Constable;" and in line 2, strike out all after "in" to "be" in line 3, and insert "June, 1848, by the Chief Justice of San Augustine county, or one of the Commissioners thereof, and annually thereafter for a similar purpose an election shall."

Amendment 4—

In sec. 15, last line, strike out "allowed to County Treasurers," and insert "specified by the Board of Aldermen," and recommend the adoption of the amendments and the passage of the bill as amended.

A message was received from the House of Representatives, informing the Senate that the House had adopted the Senate's substitute for a bill to be entitled an act for the relief of J. Harris Catlin;

Also, that the House had passed the following bills and joint resolutions, originating in the House, (to wit:)

A bill to be entitled an act to authorize the Commissioner of the General Land Office of the State of Texas, to issue patents to the different counties in the State for school purposes;

A bill to be entitled an act providing for the payment of jurors;

A bill to be entitled an act to change the name of Hn Conner, to Hn Valentine Dalton, and to make him a lawful heir of Valentine T. Dalton;

A bill to be entitled an act requiring the owners of, and



claimants to land, situated in Cass county, to have their titles and muniments of titles recorded in Cass county;

A bill to be entitled an act to legalize certain head right certificates, issued by George W. Miles, former Chief Justice of Liberty county;

A bill to be entitled an act to fix the times of holding the District Courts in the Ninth Judicial District;

A bill to be entitled an act the better to define the boundaries of the county of Guadalupe;

A bill to be entitled to regulate the killing of neat cattle;

A bill to be entitled an act to incorporate the town of Indian Point;

A bill to be entitled an act to incorporate the Milam Liberal Institute;

A bill to be entitled an act to incorporate the Houston Lyceum;

A bill to be entitled an act to make valid the acts of John D. Banton, a Clerk of the District Court of the county of Walker;

Joint resolution for the relief of the estate of Lieutenant J. P. Lansing, deceased;

Joint resolution instructing our Senators, and requesting our Representatives in Congress to use their efforts to have a law passed to extend the jurisdiction of Texas over one-half of the water of Sabine Pass, lake and river;

A joint resolution for the relief of Nathaniel R. Mallon and others, members of Capt. John C. Hays' Spy Company, in the year 1842;

Preamble and joint resolutions relative to the jurisdiction of the Territory of Santa Fe.

A bill to be entitled an act to organize Justices' Courts, and define the powers and jurisdiction of the same, was read.

Mr. Williamson moved to indefinitely postpone the bill.

Lost.

On motion of Mr. Burleson, the bill was laid upon the table.

A bill to be entitled an act to amend an act for the relief of master builders and mechanics of Texas, approved January 23d, 1839.

Read third time and passed.

Joint resolution for the relief of Henry M. Smith.

Read third time and passed.



Joint resolution to validate the election of Mayor and Aldermen for the city of New Braunfels.

Read third time and passed.

Joint resolution for the relief of Robert H. Beall, who was permanently disabled in the service of the country.

Read third time and passed.

On motion of Mr. Dancy, a bill to be entitled an act to organize Justices' Courts, and define the powers and jurisdiction of the same, was taken up.

Mr. Dancy moved to amend the 11th section by inserting after "demand" in third line, "of his predecessor" in same line, by striking out "within the limits of his precinct," and inserting "in his possession," and by striking out "he" in same line, and inserting "his," and by striking out "of any Justice who has previously acted within said limits," and in line 6th, by striking out "he" and inserting "said Justice."

Adopted.

The yeas and nays were then called on the passage of the bill, and stood thus:

Yeas—Messrs. Abbott, Brashear, Clark, Dancy, Gage, Grimes, Jewett, Navarro, Parker, Perkins and Wallace—11.

Nays—Messrs. Bourland, Burleson, Cuny, Fitzgerald, McRae and Williamson—6.

So the bill passed.

On motion of Mr. Brashear, the Senate adjourned until 3 o'clock, p. m.

3 o'clock, P. M.

Senate met; roll called; quorum present.

On motion of Mr. Williamson, the vote of yesterday, indefinitely postponing a bill to be entitled an act authorizing the appointment of a fiscal agent, and for the better security of the revenue, was reconsidered.

On motion of Mr. Dancy, the bill was referred to the committee on Finance.

A bill to be entitled an act to define the times for holding the District Courts in the Fifth, Sixth and Eighth Judicial Districts.

Read second time, and ordered to be engrossed.

A bill to be entitled an act to provide for the more certain collection of the Taxes for the years 1846 and 1847.

Read second time, and,

On motion of Mr. Clark, referred to the committee on Finance.

A bill to be entitled an act to fix the times of holding the District Courts in the Ninth Judicial District.

Read first time, and

On motion of Mr. Parker, the rule was suspended, bill read second time, and referred to the special committee raised on times of holding courts.

A bill to be entitled an act to classify the debt of the late Republic of Texas, preparatory to its final redemption.

Read first time, and,

On motion of Mr. Gage, the rule was suspended, bill read second time, and referred to the committee on Finance.

A bill to be entitled an act to provide for the ascertainment and adjustment of the liabilities of the late Republic of Texas.

Read first time, and,

On motion of Mr. Gage, the rule was suspended, bill read second time, and referred to the committee on Claims and Accounts.

Preamble and joint resolution relative to the jurisdiction of the Territory of Santa Fe.

Read first time, and

On motion of Mr. Williamson, the rule was suspended, read second time, and referred to the committee on State Affairs.

On motion of Mr. Gage, the resolution of the House to adjourn on Monday, the 20th instant, *sine die*, was taken up.

Mr. Parker moved to strike out "20th" and insert "18th."

Mr. Dancy moved a division of the question.

Question on striking out—

Carried.

Mr. Cuny moved to fill the blank with the "18th."

On motion of Mr. Dancy, the resolution was laid upon the table.

A message was received from the House of Representatives, informing the Senate that the House had passed a bill to be en-



titled an act to regulate proceedings in the county courts, relating to guardians and wards.

A bill to be entitled an act providing for the payment of jurors.

Read first time, and

On motion of Mr. Gage, the rule was suspended, bill read second time, and referred to the committee on Finance.

A bill to be entitled an act to authorize the Commissioner of the General Land Office of the State of Texas, to issue patents to the different counties in the State for school purposes.

Read first time, and,

On motion of Mr. Williamson, the rule was suspended, bill read second time, and referred to the committee on Education.

Mr. Dancy moved to take up a bill to be entitled an act to repeal the 11th section of "An act, supplementary to an act, to detect fraudulent land certificates, and to provide for issuing patents to legal claimants," approved February 4th, 1841.

Lost.

On motion of Mr. Fitzgerald, a bill to be entitled an act to define the boundaries of the county of Refugio, was taken up and read second time.

Mr. Fitzgerald moved to amend by striking out the following words: "A point on Poppiloto Creek, where the old boundary line of Refugio, as run by Willard Richardson, crosses said creek," and inserting "the Aransas river."

Adopted.

The Senate refused to engross the bill.

A bill to be entitled an act, supplementary to an act, entitled an act, to establish the Judicial Districts of the District Courts.

Read first time.

Mr. Wallace, by leave, introduced a bill to be entitled an act, supplemental to an act, to organize the Supreme Court of Texas.

Read first time.

Joint resolution authorizing the Comptroller of Public Accounts to transfer to S. L. Johnson, an Austin city lot.

Read second time, and passed to a third reading.

Joint resolution authorizing the Commissioner of the General Land Office to issue a patent to Edward Hall.

Read second time, and,

On motion of Mr. Parker, referred to the committee on Private Land Claims.



A bill to be entitled an act to require sheriffs, clerks of District Courts and clerks of the County Courts, to keep their offices at the county seats of their respective counties.

Read second time, and passed to a third reading.

On motion of Mr. Jewett,

A bill to be entitled an act to define the times of holding the Courts in the 2d Judicial District of the State of Texas, was taken up, and,

On motion of Mr. Burleson, referred to a select committee.

Messrs. Burleson, Jewett and Dancy were appointed said committee.

A bill to be entitled an act for the relief of James Hunly.

Read second time, and

On motion of Mr. Gage, referred to the committee on Claims and Accounts.

Mr. Gage offered the following resolution :

*"Resolved, That no new business shall originate and be introduced in the Senate, without the consent of four-fifths of the Senate."*

Upon the adoption of which the yeas and nays were called, and stood thus :

Yeas—Messrs. Abbott, Brashear, Clark, Cuny, Gage, Grimes, McRae, Navarro and Parker—9.

Nays—Messrs. Bourland, Burleson, Dancy, Jewett, Fitzgerald, Perkins, Wallace, and Williamson—8.

Adopted.

Joint resolution for the relief of Lewis Thuner.

Read second time, and

On motion Mr. Clark, referred to the committee on Private Land Claims.

A bill to be entitled an act to establish the county seat of Cameron county, was read.

On motion of Mr. Fitzgerald, "Point Isabel" was stricken out, and "Freeport" inserted. And "the Bay of Brazos del St. Iago" was stricken out, and "on the Rio Grande" inserted.

The bill then passed to a third reading.

Joint resolution appropriating one hundred dollars for the purpose of procuring a map of Shelby county.

Read second time, and



On motion of Mr. Brashear, referred to the committee on Finance.

A bill to be entitled an act to change the name of the county seat of Collin county.

Read first time, and on motion of Mr. Burleson, the rule was suspended, and bill read second time.

Mr. Dancy moved to amend by striking out last two lines, and inserting "and that this act take effect from the first day of August next."

Adopted.

On motion of Mr. Burleson, the rule was further suspended, and bill passed to a third reading.

Joint resolution for the relief of the heirs of Mark Noble.

Read first time, and

On motion of Mr. Gage, the rule was suspended.

Bill read second time, and referred to the committee on Private Land Claims.

Joint resolution for the relief of E. B. Cogswell.

Read first time, and

On motion of Mr. Brashear, the rule was suspended.

Read second time, and referred to the committee on Private Land Claims.

Joint resolution authorizing and requiring the Comptroller of Public Accounts to issue warrants paying A. B. Gray for services in running and marking the eastern boundary line of Texas.

Read first time, and

On motion of Mr. Gage, the rule was suspended.

Read second time and referred to the committee on Finance.

Joint resolution instructing our Senators and requesting our Representatives in Congress to use their efforts to have a law passed to extend the jurisdiction of Texas over one half of the water of Sabine Pass, Lake and River.

Read first time, and

On motion of Mr. Gage, the rule was suspended, and read second time.

Mr. Dancy moved to amend by striking out "enacted" in the 1st and 7th line, and inserting "resolved:" and by striking out "longitude" and inserting "latitude" in 6th line.

Adopted.

On motion of Mr. Gage, it was referred to the committee on State Affairs.



A message was received from the House of Representatives, informing the Senate that the House had passed a bill to be entitled an act to establish the eleventh Judicial District of the State of Texas:

Also, a bill to be entitled an act to create and organize the county of Santa Fe, with amendments.

On motion of Mr. Daney, the Senate concurred in the amendments of the House to the above named bill.

A bill to be entitled an act to make valid the acts of John D. Banton, a clerk of the District Court of the county of Walker.

Read first time, and

On motion of Mr. Perkins, the rule was suspended.

Bill read second time and passed to a third reading: and

On motion of Mr. Williamson, the rule was further suspended.

Bill read third time and passed.

A bill to be entitled an act to incorporate the Houston Lyceum.

Read first time, and

On motion of Mr. Brashear, the rule was suspended,

Bill read second time, and referred to the committee on Education.

A bill to be entitled an act to incorporate Milam Liberal Institute.

Read first time, and

On motion of Mr. Williamson, the rule was suspended,

Bill read second time, and

Referred to the committee on Education.

A bill to be entitled an act to incorporate the town of Indian Point.

Read first time, and

On motion of Mr. Gage, the rule was suspended.

Bill read second time, and referred to the committee on the Judiciary.

Joint resolution for the relief of the estate of Lieutenant J. P. Lansing, deceased.

Read first time.



On motion of Mr. Gage, the Senate adjourned until 9 o'clock, Monday morning.

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Monday, 9 o'clock, A. M.  
March 13th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Wallace, and Williamson.

Quorum present.

The Journal of the preceding day was read and adopted.

Mr. Parker, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts to whom was referred a bill to be entitled an act for the relief of James Hunly, have examined the same, and instructed me to report :

That there are many claims equally just against the government of Texas, which have been reported unfavorable, for the purpose that all such claims should undergo the examination of a tribunal contemplated to be established for that purpose, therefore recommend that no further legislative action be had on said bill.

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Mr. Clark, chairman of the committee on Education, made the following report :

The committee on Education, to whom was referred "an act to incorporate the Houston Lyceum," and a "bill to be entitled